



Order Filed on March 29, 2019
by Clerk U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

McCABE, WEISBERG & CONWAY, LLC
By: Alexandra T. Garcia, Esq. (Atty.
I.D.#ATG4688)
216 Haddon Avenue, Suite 201
Westmont, NJ 08108
856-858-7080
Attorneys for Movant: TIAA, FSB d/b/a TIAA
Bank f/k/a EverBank

IN re:

Allen Lee Porter
Debtor

Case No.: 17-21149-JNP
Chapter: 13
Judge: Jerrold N. Poslusny Jr.

Recommended Local Form



Followed



Modified

**AGREED ORDER REINSTATING THE AUTOMATIC STAY AS TO TIAA, FSB D/B/A BANK
F/K/A EVERBANK WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**

DATED: March 29, 2019

A handwritten signature in dark ink, appearing to read "Jerrold N. Poslusny, Jr.", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

(Page 2)

Debtor: Allen Lee Porter

Case No: 17-21149-JNP

Caption of Order: AGREED ORDER REINSTATING THE AUTOMATIC STAY AS TO TIAA, FSB
DBA BANK F/K/A EVERBANK WITH CONDITIONS

THIS MATTER having been brought before the Court by Allen Lee Porter (hereinafter “Debtor”) by and through his attorney, Andrew B. Finberg., upon the filing of a Motion to Reinstate Stay as to TIAA, FSB d/b/a TIAA Bank f/k/a EverBank (hereinafter “TIAA”) by and through its attorneys, McCabe, Weisberg & Conway, P.C. having agreed to reinstate the automatic stay subject to specific conditions, and for good cause shown, it is hereby

ORDERED as follows:

1. The September 13, 2018 Order Vacating Stay as to TIAA’s interest in 2809 B Auburn Ct, Mount Laurel, New Jersey 08054 (hereinafter the Subject Property) is hereby vacated and the automatic stay is reinstated as to TIAA’s interest in the Subject Property.
2. Status of post-Petition arrearages:
 - ✓ The Debtor is overdue for 8 monthly mortgage payments from August 1, 2018 to March 1, 2019 and 1 monthly cure payment as follows:
 - ✓ May 1, 2018 Agreed Order cure payment in the amount of \$1,680.16
 - ✓ August 1, 2018 – March 1, 2019 = 8 payments in the amount of \$1,006.76 = \$8,054.08
 - ✓ \$1,454.50 in fees (\$704.50 for foreclosure fees & \$750 for bankruptcy fees) to be paid through the plan
 - ✓ The Debtor is credited with suspense in the amount of \$502.44

Total Arrearages Due \$10,686.30
3. Debtor must cure all post-Petition arrearages as follows:
 - ✓ Immediate payment shall be made in the amount of \$5,025.00. Payment shall be received by Creditor no later than April 1, 2019.
 - ✓ Beginning on April 1, 2019, regular monthly mortgage payments shall continue to be made in the amount of \$1,006.76.
 - ✓ Beginning on April 1, 2019 additional monthly cure payments shall be made in the amount of \$701.14 for six month(s).

(Page 3)

Debtor: Allen Lee Porter

Case No: 17-21149-JNP

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- ✓ Debtor shall pay the bankruptcy and foreclosure fees of \$1,454.50 through the Chapter 13 Plan. The amount of \$1,454.50 shall be capitalized in the debtor's Chapter 13 plan. The mortgagee's allowed secured claim shall be amended to include the capitalized post-petition payments listed in this Order to the Proof of Claim as filed. As a result of such capitalization, the Standing Chapter 13 Trustee shall adjust his/her records accordingly and make revised disbursements.

- 4. Payments to the Secured Creditor shall be made to the following address:
 - ✓ Immediate payment: TIAA Bank
301 West Bay Street
Jacksonville, FL 32202

 - ✓ Regular monthly payment: Same as above
 - ✓ Monthly cure payment: Same as above

- 5. In the event of Default:
 - ✓ If the Debtor fails to make the immediate payment specified above, any regular monthly mortgage payment or any cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtor's attorney.

McCABE, WEISBERG & CONWAY, LLC
By: Alexandra T. Garcia, Esq. (Atty.
I.D.#ATG4688)
216 Haddon Avenue, Suite 201
Westmont, NJ 08108
856-858-7080
Attorneys for Movant: TIAA, FSB d/b/a TIAA
Bank f/k/a EverBank

IN re:

Allen Porter
Debtor

Case No.: 17-21149-JNP
Chapter: 13
Judge: Jerrold N. Poslusny Jr.

CERTIFICATION OF SERVICE

1. I, Kathleen Jordan:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for Alexandra T. Garcia, Esq., who represents the Movant in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On March 19, 2019, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:

- Order Resolving Motion to Vacate Stay
- Certification of Service

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: March 19, 2019

/s/ Kathleen Jordan
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Allen Porter 2809B Auburn Court Mount Laurel, NJ 08054	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Andrew B. Finberg Law Offices of Andrew B. Finberg, LLC 525 Route 73 South, Suite 200 Suite 200 Marlton, New Jersey	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Isabel C. Balboa Chapter 13 Standing Trustee Cherry Tree Corporate Center 535 Route 38 - Suite 580 Cherry Hill, New Jersey 08002	Chapter 13 Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, New Jersey 07102	US Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.

LAW OFFICES
McCABE, WEISBERG & CONWAY, LLC
SUITE 201
216 HADDON AVENUE
WESTMONT, NJ 08108
(856) 858-7080
FAX (856) 858-7020

Marisa Cohen, Esquire, NJ Managing Attorney
NJ ID 017032001

March 19, 2019

Andrew B. Finberg
Law Offices of Andrew B. Finberg, LLC
525 Route 73 South, Suite 200
Suite 200
Marlton, New Jersey 08053

Re: Allen Porter
Chapter 13
Case No. 17-21149-JNP
Movant/ Our Client: TIAA, FSB d/b/a TIAA Bank f/k/a EverBank

Dear Andrew B. Finberg:

Enclosed please find a copy of the proposed Order Resolving Motion to Vacate Stay which has been sent to court for filing.

If you have any questions, or need any additional information, feel free to contact our office.

Very truly yours,
McCABE, WEISBERG & CONWAY, LLC

Kathleen Jordan
Paralegal

ATG/kj
Enclosures

LAW OFFICES
McCABE, WEISBERG & CONWAY, LLC
SUITE 201
216 HADDON AVENUE
WESTMONT, NJ 08108
(856) 858-7080
FAX (856) 858-7020

Marisa Cohen, Esquire, NJ Managing Attorney
NJ ID 017032001

March 19, 2019

Isabel C. Balboa
Chapter 13 Standing Trustee
Cherry Tree Corporate Center
535 Route 38 - Suite 580
Cherry Hill, New Jersey 08002

Re: Allen Porter
Chapter 13
Case No. 17-21149-JNP
Movant/ Our Client: TIAA, FSB d/b/a TIAA Bank f/k/a EverBank

Dear Isabel C. Balboa :

Enclosed please find a copy of the proposed Order Resolving Motion to Vacate Stay which has been sent to court for filing.

If you have any questions, or need any additional information, feel free to contact our office.

Very truly yours,
McCABE, WEISBERG & CONWAY, LLC

Kathleen Jordan
Paralegal

ATG/kj
Enclosures

LAW OFFICES
McCABE, WEISBERG & CONWAY, LLC

SUITE 201
216 HADDON AVENUE
WESTMONT, NJ 08108
(856) 858-7080
FAX (856) 858-7020

Marisa Cohen, Esquire, NJ Managing Attorney
NJ ID 017032001

March 19, 2019

Allen Porter
2809B Auburn Court
Mount Laurel, New Jersey 08054

Re: Allen Porter
Chapter 13
Case No. 17-21149-JNP
Movant/ Our Client: TIAA, FSB d/b/a TIAA Bank f/k/a EverBank

Dear Debtor:

Enclosed please find a copy of the proposed Order Resolving Motion to Vacate Stay which has been sent to court for filing.

If you have any questions, or need any additional information, please contact your attorney. Please do not contact this office directly if you are represented by an attorney in this bankruptcy case.

Very truly yours,
McCABE, WEISBERG & CONWAY, LLC.

Kathleen Jordan
Paralegal

ATG/kj
Enclosures

Certificate of Notice Page 9 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Allen Lee Porter
 Debtor

Case No. 17-21149-JNP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf903

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Mar 29, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 31, 2019.

db +Allen Lee Porter, 2809B Auburn Court, Mount Laurel, NJ 08054-4236

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 31, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 29, 2019 at the address(es) listed below:

Alexandra T. Garcia on behalf of Creditor EverBank NJECFMAIL@mw-c-law.com,
 nj-ecfmail@ecf.courtdrive.com
 Alexandra T. Garcia on behalf of Creditor TIAA, FSB dba Everbank NJECFMAIL@mw-c-law.com,
 nj-ecfmail@ecf.courtdrive.com
 Alexandra T. Garcia on behalf of Creditor TIAA, FSB d/b/a TIAA Bank, f/n/a EverBank
 NJECFMAIL@mw-c-law.com, nj-ecfmail@ecf.courtdrive.com
 Andrew B. Finberg on behalf of Debtor Allen Lee Porter andy@sjbankruptcylaw.com,
 abfecf@gmail.com;finbergar39848@notify.bestcase.com
 Daniel A. Frischberg on behalf of Debtor Allen Lee Porter dan@sjbankruptcylaw.com,
 frischbergglaw@gmail.com;frischbergdr39848@notify.bestcase.com
 Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
 Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
 Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
 summarymail@standingtrustee.com
 Melissa S DiCerbo on behalf of Creditor TIAA, FSB dba Everbank nj-ecfmail@mw-c-law.com,
 nj-ecfmail@ecf.courtdrive.com
 Melissa S DiCerbo on behalf of Creditor EverBank nj-ecfmail@mw-c-law.com,
 nj-ecfmail@ecf.courtdrive.com
 Melissa S DiCerbo on behalf of Creditor TIAA, FSB d/b/a TIAA Bank, f/n/a EverBank
 nj-ecfmail@mw-c-law.com, nj-ecfmail@ecf.courtdrive.com
 Mina M Beshara on behalf of Creditor TIAA, FSB dba Everbank mina.beshara@starstone.com,
 mina.beshara@starstone.com
 Thomas J Orr on behalf of Creditor Larchmont Center Community Association tom@torrlaw.com,
 xerna@aol.com;orrtr87054@notify.bestcase.com
 Thomas J Orr on behalf of Creditor Brittany Lakes & Meadows Condominium Ass'n tom@torrlaw.com,
 xerna@aol.com;orrtr87054@notify.bestcase.com
 U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 15